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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,853	03/13/2002	Matti Salmi	944-001.065	4491
4955 7590 07/16/2009 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468				
EXAMINER NGUYEN, THUONG				
ART UNIT 2455		PAPER NUMBER		
MAIL DATE 07/16/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* MATTI SALMI and FRANK DAWSON

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Application 10/099,853  
Technology Center 2400

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Mailed: July 16, 2009

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Before SHERRIE SAUNDERS-COBB, *Paralegal Specialist*  
SAUNDERS-COBB, *Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 30, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

**EXAMINER'S CONSIDERATION OF REPLY BRIEF**

A Reply Brief was filed in this application on March 20, 2008. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR CFR § 41.43(a)(1) and MPEP § 1208, part II.

**INFORMATION DISCLOSURE STATEMENT**

Appellants filed Information Disclosure Statements (IDS) dated April 11, 2007, and February 23, 2009. There is no indication on the record that the Examiner has considered the above IDS. MPEP § 609 requires the Examiner to consider any IDS filed by Applicant if timely submitted. A written communication notifying Appellant of the Examiner's consideration of the above IDS is required.

**CONCLUSION**

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) consider the Reply Brief filed March 20, 2008 as indicated above;
- 2) consider the IDS filed April 11, 2007, and February 23, 2009;
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

Ssc

Ware Fressola Van Der Sluys & Adolphson, LLP  
Bradford Green, Building 5  
755 Main Street  
PO Box 224  
Monroe, CT 06468